

MILLER BROWN & DANNIS  
SYMPHONY TOWERS  
750 B STREET, SUITE 2310  
SAN DIEGO, CA 92101

SUE ANN SALMON EVANS, State Bar No. 151562  
sevans@mbdlaw.com  
AMY R. LEVINE, State Bar No. 160743,  
alevine@mbdlaw.com  
SARAH L. W. SUTHERLAND, State Bar No. 239889,  
ssutherland@mbdlaw.com  
MILLER BROWN & DANNIS  
750 B Street, Suite 2310  
San Diego, CA 92101  
Telephone: (619) 595-0202  
Facsimile: (619) 702-6202

Attorneys for San Diego Unified School District

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

San Diego Unified School District,

Plaintiff,

v.

T.B., a minor, Allison and Robert  
Brenneise, his parents, Steven Wyner and  
Wyner and Tiffany,

Defendants.

Case No. 08 CV 0039 WQH WMc

**NOTICE OF MOTION AND MOTION TO  
CONSOLIDATE CASE NO. 08 CV 0039 WITH  
CASE NO. 08 CV 0028**

**Date:** March 24, 2008

**Time:** 11:00 a.m.

**Trial:** none set

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE** that on March 24, 2008 at 11:00 a.m., or as soon thereafter as this matter may be heard by the above entitled Court, located at 880 Front Street, San Diego, California, 92101, defendant SAN DIEGO UNIFIED SCHOOL DISTRICT will move for consolidation of *San Diego Unified School District v. T.B., a minor, Allison Brenneise and Robert Brenneise, his parents, Steven Wyner and Wyner and Tiffany*, Case No. 08 CV 0039 WQH WMc into *T.B., Allison Brenneise and Robert Brenneise v. San Diego Unified School District*, Case No. 08 CV 0028 WQH WMc. Consolidation is pursuant to Federal Rules of Civil Procedure Rule 42(a) and is noticed to be heard before Judge Hayes in Case No. 08 CV 28 WQH WMc. This motion is based on this Notice of Motion and Motion and the Memorandum of Authorities and declaration submitted herewith, the pleadings and papers on file herein, and such further documentary or oral evidence and argument as the Court may allow.

**No oral argument is required unless so requested by the Court.**

DATED: February 26, 2008

MILLER BROWN & DANNIS

By: /s/ Sarah L. W. Sutherland  
SARAH L. W. SUTHERLAND  
Attorneys for San Diego Unified School District

MILLER BROWN & DANNIS  
SYMPHONY TOWERS  
750 B STREET, SUITE 2310  
SAN DIEGO, CA 92101

MILLER BROWN & DANNIS  
SYMPHONY TOWERS  
750 B STREET, SUITE 2310  
SAN DIEGO, CA 92101

**PROOF OF SERVICE**

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

I am employed in the County of San Diego, State of California. I am over the age of 18 and not a party to the within action; my business address is: Symphony Towers, 750 B Street, Suite 2310, San Diego, CA 92101.

On the date set forth below I served the foregoing document described as NOTICE OF MOTION AND MOTION TO CONSOLIDATE on interested parties in this action by placing true copies thereof enclosed in sealed envelopes addressed as follows:

Steven Wyner  
Wyner & Tiffany  
970 W. 190th Street, Suite 302  
Torrance, CA 90502

☒ (VIA U.S. MAIL) I caused such document to be placed in the U.S. Mail at San Diego, California with postage thereon fully prepaid.

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

☐ (VIA FACSIMILE) I caused such document to be transmitted via facsimile to the addressee from the facsimile machine of Miller Brown & Dannis whose phone number is (619) 702-6202. The transmission by facsimile was reported as complete and without error

☐ (BY PERSONAL SERVICE) I caused such envelope to be delivered by hand to the offices of the addressee.

☐ (VIA OVERNIGHT MAIL) I caused such envelope to be deposited at an authorized "drop off" box on that same day with delivery fees fully provided for at Symphony Towers, 750 B Street, Suite 2310, San Diego, CA 92101, in the ordinary course of business.

☐ (STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

☒ (FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose direction this service was made.

Executed on February 26, 2008 at San Diego, California.

Janice Karr  
Type or Print Name

  
Signature